

*United States Attorney
Southern District of New York*

August 24, 2022

VIA ECF

The Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *United States v. Rafael Santos*
12 Cr. 675 (JGK)

Dear Judge Woods:

The Government respectfully requests that the Court enter the attached Final Order of Forfeiture in this matter. As set forth in the accompanying Declaration, all right, title, and interest of the Defendant, Rafael Santos, in the Substitute Assets was ordered forfeited pursuant to a Preliminary Order of Forfeiture as to Substitute Assets (Docket Entry 28) and no third-party claims have been filed within the statutory period. Accordingly, the attached Final Order of Forfeiture should be entered so that the United States Marshals Service can dispose of the Substitute Assets according to law.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney
Southern District of New York

By: /s/
Tara LaMorte
Assistant United States Attorney
Tel. (212) 637-1041

Enclosure

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
UNITED STATES OF AMERICA	:	<u>FINAL ORDER OF</u>
	:	<u>FORFEITURE</u>
-v.-	:	
	:	12 Cr. 675 (JGK)
RAFAEL SANTOS,	:	
	:	
Defendant.	:	
-----	X	

WHEREAS, on or about May 25, 2021, this Court entered a Preliminary Order of Forfeiture as to Substitute Assets (the “Preliminary Order of Forfeiture”) (D.E. 28), which ordered the forfeiture to the United States of all right, title and interest of RAFAEL SANTOS (the “Defendant”) in the following property:

- a. \$2,115 in United States currency seized from the Defendant on March 19, 2012 at the time of the Defendant’s arrest; and
- b. Any and all funds up to \$29,485 in United States currency on deposit in JPMorgan Chase Bank Account Number 523690167 held in the name of Rafael Santos;

(a. and b., together, the “Substitute Assets”).

WHEREAS, upon entry of the Preliminary Order of Forfeiture, the Court also ordered the Government to request that J.P. Morgan Chase provide notice of the Preliminary Order of Forfeiture to the Defendant as account holder, and J.P. Morgan Chase provided such notice to the Defendant on May 28, 2021;

WHEREAS, the Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States’ intent to dispose of the Specific Property, and the requirement that any person asserting a legal interest in the Substitute Assets must file a petition with the Court in

accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). The Preliminary Order of Forfeiture further stated that the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Specific Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Substitute Assets before the United States can have clear title to the Substitute Assets;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Substitute Assets was posted on an official government internet site (www.forfeiture.gov) beginning on September 18, 2021, for thirty (30) consecutive days, through October 17, 2021, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on August 24, 2022 (D.E. 29);

WHEREAS, thirty (30) days have expired since final publication of the Notice of Forfeiture and no petitions or claims to contest the forfeiture of the Substitute Assets have been filed;

WHEREAS, the Defendant is the only person and/or entity known by the Government to have a potential interest the Substitute Assets; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest

the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2).

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Substitute Assets is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.
2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Substitute Assets.
3. The United States Marshals Service (or its designee) shall take possession of the Substitute Assets and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York
August 25, 2022

SO ORDERED:

/s/ John G. Koeltl
HONORABLE JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE